

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 09/440,639

Analysis Of The Claim Rejections

The present invention:

The present invention relates to an apparatus and method of controlling playback according to program ratings. In one embodiment of the invention shown in Fig. 2, a user sets a viewable program rating (step 201). A program rating is detected from a video signal to be reproduced (step 202) and is compared to the program rating set by a user (step 203). If the set rating is equal to or higher than the detected rating a normal playback is executed (step 208). If the set rating is lower than the detected rating the system controller prevents the video signal from being output to the display unit (step 204) and causes a tape to run at high speed (step 205) until the next program recorded on the tape is reached (step 206), at which time a general playback mode is executed (step 207). Thus, when a program is recorded which has a rating indicating the present user is not authorized to view the program, viewing of the program is blocked and the tape proceeds at fast forward until the next program is reached.

Summary of Abecassis:

Abecassis relates to a system for replaying with supplementary information a segment of a video. According to one aspect of this disclosure, a video is divided into a number of segments. A user can input a matrix of content preference selections, as shown, for example, in Fig. 7A. The video may have different segments corresponding to the various preference selections. If so, then a video map is created indicating where the appropriate segments are located. The appropriate segments are read according to the video map, so that the segments appropriate to the particular viewer are seamlessly displayed.

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The Claim Rejections:

In rejecting claims 1, 2 and 4 as being anticipated by Abecassis, the Examiner provides reasoning purporting to show that each of the claimed elements is disclosed by Abecassis.

The present invention contemplates fast-forwarding a video tape so that the user is not inconvenienced by either: 1) having to wait for the tape to pass, at normal speed, a program which the user is not authorized to watch; or 2) having to manipulate the controls to fast-forward to the next program. On the other hand, Abecassis establishes a video map and skips program segments inappropriate for a particular viewer. In rejecting claim 1, the Examiner states that he reads the claimed high-speed search mode as the skipping mode of the reference. Applicant submits, however, that fast-forwarding a tape and skipping program material in a random access memory are two different concepts. Therefore, Abecassis does not disclose "a tape speed controller for executing a high-speed search mode...", as required by claim 1.

Additionally, Abecassis issued on June 18, 2002, which is after the November 16, 1999 filing date for the present application, such that Abecassis is not prior art under 35 U.S.C. §102(a or b) but rather is only prior art under 35 U.S.C. §102(e). As prior art under 35 U.S.C. §102(e), the effective date of Abecassis is its November 12, 1998 U.S. filing date, which is only one week before the November 19, 1998 priority date for the present case. Submitted herewith is a Declaration by the inventor establishing conception of the invention prior to the filing of Abecassis, and establishing diligence from before the filing date of Abecassis (November 12, 1998) to the reduction to practice of the invention (November 19, 1998). Also submitted is a Declaration of In-Service Invention demonstrating conception of the invention prior to

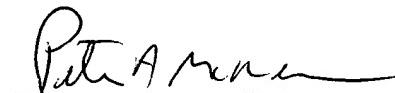
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November 12, 1998. Accordingly, Applicant requests that Abecassis be removed as a reference against the claims of the present application.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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